THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.3738 OF 2006

ORAL ORDER:

Writ petitioners, who are 14 in number, are carrying on business in liquor having been granted valid licenses under the provisions of the Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of License) Rules, 2005, (for short " the Rules"). In this writ petition, they are questioning the alleged action of respondents 1 to 3 in insisting on their obtaining permission for grant of permit rooms as arbitrary and illegal.

It is to be noted that as per Rule 26-A of the Rules, as inserted under G.O.Ms.No.103 dated 31.01.2006, the holder of the licence in Form A-4 **may apply** in Form A-4(A) to the Prohibition & Excise Superintendent for grant of permit room in Form A-4(B). Similarly, Rule 26-B, which was also inserted under G.O.Ms.No.103 dated 31.01.2001, states that the Prohibition & Excise Superintendent after receipt of such application and after being satisfied that the premises selected was in accordance with the Rules, grant licence in Form A-4(B) after receipt of prescribed licence fee. Rule 27-A also makes it clear that the holder of the licence in form A-4 may be granted a permit room licence in form A-4(B) after payment of licence fee of Rs.1,00,000/-.

Having regard to the language of the above statutory rules, the petitioners contend that it is not mandatory for the licensees to obtain licence for permit rooms but it is only optional. Thus, it is contended that the alleged action of the respondents in insisting on petitioners obtaining permission for grant of permit rooms is arbitrary and illegal and in violation of the provisions of the Rules as amended by G.O.Ms.No.103 dated 31.01.2006.

On behalf of respondents 1 to 4, the Prohibition & Excise Inspector, Pakala, filed a counter-affidavit denying the allegation that the respondents have been insisting to obtain permission for permit rooms. It is stated that as a matter of fact, petitioners 3 and 6 have voluntarily remitted proportionate licence fee for grant of

permit room licenses for the period from 1.04.2006 to 30.06.2006 i.e., for a period of three months, as required under Rule 27-A of the Rules, and accordingly, the further steps are under process.

Having regard to the stand taken by the respondents in the counter-affidavit that they are not compelling the petitioners to obtain permit room licenses, no further enquiry is necessary in the writ petition. Accordingly, the writ petition is disposed of recording the statement of the respondents in their counter-affidavit that they are not forcing the petitioners to obtain permission for grant of permit room licenses and that they are proceeding strictly in terms of Rule 26-A of the Rules. No costs.

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(G. ROHINI, J.)

18th April, 2006.

Kgr

Issue CC in three days.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.3738 OF 2006

18th April, 2006.

Between:

N. Manohar Chowdary and

13 others. .. Petitioner.

And

The Government of Andhra Pradesh,

represented by the Commissioner of Prohibition

and Excise, Hyderabad and two others. .. Respondents.